

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

5 WSOU INVESTMENTS, LLC)
d/b/a, BRAZOS LICENSING AND)
6 DEVELOPMENT)
)
7 Plaintiff,)
) Case No.
8 vs.) 6:20-cv-585-ADA
)
9 GOOGLE LLC,)
)
10 Defendant.)

VIDEOTAPED DEPOSITION OF DR. TODOR COOKLEV
Zoom Videoconference
May 12, 2023
Volume I

21 Reported by:
22 KAYLA M. KNOWLES
23 CSR No. 14071
23 Job No. 5916878

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Videotaped deposition of DR. TODOR COOKLEV, Volume I, taken on behalf of Defendant, through Zoom Videoconference, beginning at 9:11 p.m., and ending at 4:50 p.m., on Friday, May 12, 2023, before Kayla Knowles, Certified Shorthand Reporter No. 14071.

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1 Q And when I say "the 961 Patent" today, you
2 will understand that I'm referring to this patent,
3 which is 8737961; right?

4 A Yes.

5 Q Have you reviewed this patent? 09:28:17

6 A Yes.

7 Q How long did you spend reviewing the
8 961 Patent?

9 A I do not remember exactly how much time I
10 spent reviewing, but I reviewed it a number of 09:28:47
11 times.

12 Q Do you think you spent more than one hour
13 reviewing the patent?

14 A Yes.

15 Q More than two hours? 09:29:05

16 A Yes.

17 Q More than three hours?

18 A Yes.

19 Q I guess I'll keep going.

20 Q More than four? 09:29:20

21 A Yes.

22 Q Okay. I think that's good.

23 And you have rendered opinions regarding
24 the validity of the 961 Patent in this case; is that
25 correct? 09:29:28

1 requires a particular number or that it requires
2 more than one. No, there's no particular
3 requirement for that.

4 BY MS. WARREN:

5 Q So going back to the difference between a 11:39:32
6 primary stationary state and a primary set of
7 stationary states, are you using those terms
8 interchangeably, or do they have different meanings?

9 MR. WIN: Objection. Form.

10 THE WITNESS: I -- I will switch now to 11:39:57
11 Exhibit 2. And just for the record, I have been
12 using the electronic copy of my report here. Just a
13 second.

14 BY MS. WARREN:

15 Q Just to clarify for a clean record on this, 11:40:19
16 when you say "the electric copy," you mean the copy
17 that has been marked today as Exhibit 2?

18 A Yes, that's correct.

19 Q Wonderful.

20 A Primary stationary state is a stationary 11:40:49
21 state that belongs to the primary set of stationary
22 states.

23 Q Okay. And in the passage that you were
24 reading from -- let me actually read directly from
25 it so I'm not misquoting. Will you go back to 11:41:24

1 11B, and these are the figures that are referenced
2 in that Column 23?

3 A Yes.

4 Q You can see those figures. Okay.

5 So looking at these figures -- hang on just 12:11:44
6 a moment. Some scrolling going on here. No, up
7 one.

8 Okay. Are you able to tell me in these
9 figures which states are among the primary set of
10 stationary states?

11 A I'm looking at Exhibit 2. This is my
12 report.

13 Q I'm sorry. Exhibit 1 is the 961 Patent;
14 right?

15 A Yes. I am looking -- now I am looking at
16 my report.

17 Q Okay. Yes, if you would please turn to
18 Exhibit 1. I was going to talk with you about
19 Figures 11A and 11B.

20 A Okay. I'm there.

21 Q Great. Looking at Figures 11A and 11B, are
22 you able to tell me, of these figures, which of the
23 states are among the primary set of stationary
24 states?

25 MR. WIN: Objection. Form.

1 THE WITNESS: Figure 11A and 11B, they're
2 not intended to show the primary stationary states.
3 They are graphs of the cumulative distribution
4 functions of the most frequent stationary states
5 corresponding to GSM cells and Wi-Fi access points 12:15:03
6 on the cell towers -- cell towers and access points.
7 So Figures 11A and 11B, they're not intended to show
8 the primary stationary states.
9 (Reporter clarification.)
10 BY MS. WARREN: 12:15:43
11 Q Do Figures 11A and 11B show the most
12 frequent states?
13 MR. WIN: Objection. Form.
14 THE WITNESS: The "most frequent"?
15 BY MS. WARREN: 12:16:12
16 Q Yes.
17 A They do, yes.
18 Q Let's go back down to Column 23. Let me
19 know when you get there.
20 A I'm at Column 23. 12:16:21
21 Q Okay. And this column also talks about
22 some of the tables that are sort of in line.
23 They're not figures; they're sort of tables within
24 the patent. So the first one that I want to look at
25 together is Table 6. Do you see that table? 12:16:36

1 A I do.

2 Q Okay. And so Table 6, if I'm looking at it
3 correctly, shows the total number of stationary
4 states for the three different users. Is that how
5 you read this table? 12:16:56

6 A Yes.

7 Q And so for User 1, it looks like there are
8 either 46 or 86 states, depending on which type of
9 signal we're looking at; is that correct?

10 A Yes. 12:17:17

11 Q Which of these 46 or 86 stationary states
12 for User 1 are the primary set of stationary states?

13 A Well, it seems to me your question is -- to
14 the extent that it's relevant to infringement, I did
15 not perform this analysis; so if the question is 12:18:20
16 related to how does -- how does the system operate,
17 then I did not perform this analysis.

18 Q So are you able to tell, looking at
19 Table 6, which states are among the primary set of
20 stationary states? 12:19:05

21 A Only from Table 6. Well, no. Table 6
22 gives the total number of stationary states, and --
23 but now, if we -- we were talking before the break.

24 Column 8, in an active embodiment, the user
25 is prompted or polled for input. 12:19:43

1 (Reporter clarification.)

2 THE WITNESS: I believe the time interval
3 is two months or -- we can look at the figures -- or
4 close to two months.

5 BY MS. WARREN:

12:26:22

6 Q So when we looked at Figures 11A and 11B
7 together just a few minutes ago and I asked which of
8 these states are the primary set of stationary
9 states, you were not able to tell me which of those
10 states were a member of the set. Is that still 12:26:34
11 true?

12 MR. WIN: Objection. Misstates testimony.

13 THE WITNESS: Counsel, I think this does --
14 this is not completely accurate, that Figures 11A
15 and 11B are not intended to show the stationary 12:27:07
16 states that belong to the primary set. But they
17 show the most frequent stationary states, again, in
18 this -- in this example.

19 BY MS. WARREN:

20 Q Understood. 12:27:24

21 And so the most frequent -- I'm sorry. Go
22 ahead.

23 A So they -- the most frequent stationary
24 state, it could belong to the primary set. I mean,
25 all of the most frequent stationary states could 12:27:52

1 THE WITNESS: Well, what I mean is the
2 patent mentions active mode.

3 (Reporter clarification.)

4 BY MS. WARREN:

5 Q So in passive mode, there is an additional 12:35:57
6 step where, based on content, the system can
7 determine whether or not a stationary state is a
8 member of the primary set of stationary states?

9 A That could be additional information that
10 the system takes into account, yes. 12:36:36

11 Q If you wanted to implement this embodiment,
12 this passive mode, how would you do it?

13 MR. WIN: Objection. Form.

14 THE WITNESS: In this precise question, as
15 asked, it is -- it is infringement-related because 12:37:01
16 you're asking me now how would I implement, and the
17 specification provides sufficient guidance.

18 (Reporter clarification.)

19 BY MS. WARREN:

20 Q And so my question -- oh, sorry. 12:37:39

21 A Yeah, the specification provides sufficient
22 guidance, how a person of ordinary skill in the art
23 would implement the invention, but I have not
24 performed a detailed analysis from this perspective.
25 I did not have the task to sit down and implement it 12:38:07

1 or consider if an implementation -- to be able to
2 tell you right now.

3 Q I'm certainly not asking whether you have
4 implemented this particular embodiment.

5 What I'm asking is: If you wanted to 12:38:28
6 implement this embodiment, would you be able to do
7 so?

8 MR. WIN: Objection. Incomplete
9 hypothetical.

10 THE WITNESS: If I wanted? Yes, the 12:38:41
11 specification provides sufficient guidance.

12 BY MS. WARREN:

13 Q Great. Where is that guidance?

14 MR. WIN: Objection. Form.

15 THE WITNESS: Exactly the passages we have 12:39:03
16 been reading.

17 BY MS. WARREN:

18 Q So the passages that we have been reading
19 would enable you as a person of skill in the art to
20 perform the additional step of, based on content, 12:39:16
21 determining whether or not a stationary state is a
22 member of the primary set of stationary states. Is
23 that your opinion?

24 MR. WIN: Objection. Form.

25 THE WITNESS: I think it's sufficient 12:39:31

1 is what is important.

2 (Reporter clarification.)

3 BY MS. WARREN:

4 Q Are you --

5 A In -- in this example. 12:45:44

6 Q Understood. And I agree that this is an
7 example. I'm trying to explore whether you, as a
8 person of skill, would be able to implement this
9 example, and so far what I understand is a person of

10 skill could take this data into account, but I want

12:46:00

11 to understand what it is that they would take into
12 account.

13 MR. WIN: Objection to the form.

14 THE WITNESS: To the extent that I
15 understand your question, the question -- answering
16 the question requires -- requires work and --
17 detailed work that I did not do to be able to
18 answer.

12:46:22

19 BY MS. WARREN:

20 Q What kind of work would you need to do to
21 be able to perform this embodiment?

12:46:46

22 MR. WIN: Objection. Form.

23 THE WITNESS: It is implementation work.

24 BY MS. WARREN:

25 Q So you can't tell me what you would take

12:47:09

1 into account to determine whether a stationary state
2 should be a member of the primary set of stationary
3 states?

4 MR. WIN: Objection. Form.

5 THE WITNESS: I'm not sure I agree with 12:47:23
6 this. Here in Column 8 -- a passive mode and an
7 active mode are described in Column 8.

8 (Reporter clarification.)

9 THE WITNESS: And according to the passive
10 mode, a server can listen to the content pushed out 12:48:07
11 from the device. And based on this content, the
12 information can be derived.

13 In the active mode, the user is prompted or
14 polled to derive -- there are two examples. And the
15 initial driver for this is when the system believes 12:48:35
16 that a stationary state is of some importance.

17 BY MS. WARREN:

18 Q So I have two separate questions in
19 response to what you just said. The first one is:
20 To clarify, I understand that passive and active 12:48:56
21 mode are two different things. In the passive mode,
22 when the system is listening to content pushed out
23 from the device, what content informs whether or not
24 a particular stationary state is a member of the
25 primary set? 12:49:20

1 A Any type of content that pushed out from
2 the device could be used, it seems to me. What
3 exactly is a set, I did not analyze this. But any
4 type of content.

5 Q And what about that content would tell you 12:50:13
6 whether the stationary state is a member of the
7 primary set of stationary states or not?

8 A Now, any type of content can be used for
9 this.

10 Q Can be used for what? 12:51:11

11 A Can be used to derive additional
12 information.

13 Q What additional information would you need
14 to determine whether a particular stationary state
15 is a member of the primary set of stationary states? 12:51:38

16 A According to the passive modes, for
17 example, what is pushed out from the mobile device.

18 Q So there's no specific category of
19 information that you think is particularly important
20 to collect in order to determine whether or not a 12:52:38
21 particular stationary state is a member of the
22 primary set?

23 A Yeah, any type of content can be used.

24 Q Let's say you got a step count from the
25 mobile device. Could that content be used to 12:53:11

1 determine whether or not a stationary state was a
2 member of the primary set?

3 A I have not considered that. I need more
4 time to analyze this.

5 Q When you say "any type of content," can you 12:53:30
6 give me an example of the type of content that could
7 be used to determine a primary set -- I'm sorry --
8 to determine whether a stationary state is a member
9 of the primary set?

10 MR. WIN: Objection. Form. 12:53:54

11 THE WITNESS: I did not consider this to be
12 able to answer.

13 (Reporter clarification.)

14 BY MS. WARREN:

15 Q So you are unable to provide any example of 12:54:28
16 the type of content that could be used to determine
17 whether a stationary state is a member of the
18 primary set of stationary states?

19 MR. WIN: Objection. Misstates testimony.

20 THE WITNESS: I concluded that this 12:54:43
21 provides sufficient guidance, and a person of skill
22 can decide what content is appropriate to be used.
23 But I have not considered specifically the question
24 that you asked.

25 ///

1 example; or in the active mode, the user is prompted
2 or polled for information, and the user can
3 confirm -- and the user can confirm that yeah,
4 this -- this is among the most frequent stationary
5 states, is a member of the primary set. 01:04:45

6 Q So this brings me back to my second
7 question in response to one of your earlier answers,
8 which is to say: You have now repeated that this
9 is -- this is to confirm that it's among the most
10 frequent stationary states; do you mean that the 01:05:07
11 system does not know before this confirmation
12 whether this is among the most frequent stationary
13 states?

14 MR. WIN: Objection. Misstates testimony.

15 THE WITNESS: I'll just -- before the 01:05:20
16 confirmation, the system knows -- well, that's what
17 it says. The -- these embodiments prompt the user
18 to confirm different location tags when the system
19 believes the user is in a stationary state of some
20 importance; so the system already knows that this 01:05:59
21 stationary state is among the most frequent
22 stationary states.

23 BY MS. WARREN:

24 Q And when the system knows that this
25 stationary state is among the most frequent 01:06:24

1 stationary states, does the system already know that
2 that state is a member of the primary set?

3 MR. WIN: Objection. Form.

4 THE WITNESS: Just so you're -- the way I
5 understand the question is, just based on a 01:06:53
6 stationary state being among the most frequent
7 stationary states, is this sufficient to make that
8 stationary state a member of the primary set?

9 BY MS. WARREN:

10 Q Yes, that's a fair rephrasing. 01:07:24

11 A Yes, I think the answer is that's not
12 sufficient, and something more is needed. It's not
13 sufficient that it's just among the most frequent
14 stationary states, and here is -- in Column 8 is
15 this "more." 01:07:49

16 Q Okay. And so that's -- that's where I'm
17 trying to get at. In the passive example, what is
18 that "more"? You said it's any type of -- I don't
19 want to -- I don't want to misstate -- content, but
20 it's some other kind of content -- based on content, 01:08:05
21 and you said any kind of content would do, and so I
22 am trying to understand how is that content used to
23 determine that "something more"?

24 A Well, it's not that any kind of content
25 would do, but any type of content could do. 01:08:25

1 Maybe -- maybe I misspoke or wasn't quite accurate.

2 I don't mean to say that any type of content would
3 be useful, but any type of content could be useful.

4 Q And when you've received the content, how
5 would you use that content to determine whether or 01:08:55
6 not that "something more" is met?

7 A In the passive modes, based on the content,
8 additional information can be derived.

9 Q And is deriving additional information
10 itself that "something more"? 01:10:33

11 A The additional information could be "more."

12 Q It could be?

13 A It could be.

14 Q How would the additional information
15 determine whether or not the stationary state -- 01:10:58
16 which we've already agreed is a member of the most
17 frequent states; right? How would the additional
18 information determine whether or not that state is,
19 in fact, a member of the primary set?

20 A Maybe to confirm -- maybe one way is it 01:11:14
21 will confirm that it's a -- it will confirm that,
22 based on the state being among the most frequent
23 stationary states, and based on this additional
24 information, it will confirm that yeah, this is a
25 member of the primary set. 01:12:37

1 example. It seems to me that any type of content --
2 the type of content that we've been talking about,
3 that any type would be -- could be used here, and I
4 did not consider specific examples.

5 BY MS. WARREN:

01:17:03

6 Q If any type of content could be used, would
7 any type of content confirm that a particular
8 stationary state is a member of the primary set?

9 MR. WIN: Objection. Form.

10 THE WITNESS: I -- no. I think the answer

01:17:20

11 to your question is no.

12 BY MS. WARREN:

13 Q Okay. Let me -- are there any other
14 examples that we have not yet discussed of how a
15 person of skill in the art would understand how to
16 implement the determining of a primary set of
17 stationary states?

01:17:50

18 A In general, there is an additional step
19 to -- after determining that a stationary state is
20 among the most frequent stationary states. So as
21 far as what this additional step could involve,
22 these are -- these are certainly some examples of --
23 I'm just -- I don't know that I can agree right now
24 that these are all the examples.

01:18:34

25 Q Can you think of --

01:19:13

(Speaking simultaneously.)

BY MS. WARREN:

Q Oh, sorry.

A Yes, sorry. There could be some -- there could be some other examples.

01:19:25

Q When you say "there could be some other examples," are you talking about the patent specification?

A Yes.

Q But you can't point me to any of those examples now?

01:19:45

A Yeah, not right now.

Q Okay. So I want to ask about Figure 2C, which is in Exhibit 1.

A Figure --

01:20:54

O 2C, like cat.

A Oh, okay. Yeah, I -- I see Figure 2C, yes.

Q Okay. So in your report, which is

Exhibit 2 -- and I'm sorry for making you jump

around like this -- in your paragraph 40, you
that there is a stationary set data structure.

01:21:09

A Right. I do -- I do remember this.

Q Okay. In your paragraph 40, it says that "The patent uses the symbol capital Z to denote both the number of stationary states and the set of

01:21:43

1 stationary state limitation we've been discussing;
2 is that right?

3 A Based on my recollection, yes, that's
4 correct.

5 Q Okay. 02:33:14

6 A The limitation appears -- well, obviously,
7 this limitation appears in Plaintiff Claim 1,
8 appears in Claim 11. But the dependent Claims 4 and
9 5 and maybe those that depend from Claim 11, they
10 have some similar limitations, but just -- there may 02:33:39
11 be a position stated that was decided, and -- so
12 there are some other -- maybe there are some
13 additional details, but at least Claims 1 and 11 it
14 is that limitation.

15 Q Okay. So why don't we start with just 02:33:58

16 Claims 1 and 11. I think that's a fair -- a fair
17 point. So let me ask it cleanly, just so I have it.

18 With respect to Claims 1 and 11, your
19 report doesn't provide any opinions as to whether
20 the prior art discloses any of the claim limitations 02:34:14
21 other than 1.3, which we had defined as the primary
22 set of state limitation we've been discussing; is
23 that right?

24 A Yes.

25 Q So in this portion of your report, you're 02:34:29

1 respect to the Phillips reference; is that right?

2 A Yes.

3 Q Okay. And here in paragraph 167 -- I can
4 pull up the Phillips -- I'll ask the question first,
5 and then we can pull up the reference together. 03:08:48

6 Is it your opinion that the location
7 history of a particular user is not a primary set of
8 stationary states?

9 A Oh, the location history?

10 Q Yeah. 03:09:08

11 A Yeah, I -- I don't think it is.

12 Q So in Phillips, why don't we -- why don't
13 we pull that up. So -- sorry. I'm trying to get
14 through -- we have a lot of references. Why don't
15 we go ahead and mark this one, and if you can tell 03:09:33
16 me the exhibit number, that would be great.

17 (Exhibit No. 6 marked for identification.)

18 BY MS. WARREN:

19 Q Okay. So looking at Exhibit 6 -- and let
20 me make sure that you've got it. 03:09:46

21 A Just a second.

22 Q Sure.

23 A I'm downloading Phillips.

24 Q Sure.

25 A Now I've opened Phillips. 03:10:03

1 Q Okay. Let's go to Column 4 at 24.

2 A Column 4, I'm there.

3 Q And at the end of this section, it says --
4 wait. Sorry. Can you flip over for me?

5 "The analysis engine may provide the 03:10:31
6 ability to view location history or analyze location
7 history."

8 Is it your opinion that the ability to view
9 location history or analyze location history is not
10 a primary set of stationary states? 03:10:46

11 A No, I don't see how this could be for --
12 ability is ability. This is the ability to view
13 location history or analyze location history. The
14 location history is not a primary set; so I don't
15 see here a primary set. 03:11:27

16 Q What about -- why don't we turn to
17 Column 6. Sorry. I am looking at two screens at
18 once; so if I'm waving my head around at you, that's
19 why. I'm just trying to look on the bigger screen.

20 So in Column 6, we have the location of 03:11:50
21 user -- I'm sorry. Figure 30, it's saying it's a
22 detailed display of the location information for one
23 particular user, and if we -- you can go ahead and
24 take a look at that, and we can look at that figure
25 together. 03:12:11

1 A Okay. I mean, I -- I do see that that's
2 what Phillips says about Figure 30.

3 Q And so this -- this figure where it shows,
4 sort of, locations for Jeff, I think it says really
5 teeny tiny up there that's not a primary set of 03:12:38
6 stationary states?

7 A No.

8 Q Let's go to Column 26, and I am looking at
9 line 46; so we're actually at the bottom over here.

10 A Which column? 03:13:16

11 Q 46 to 51. Oh, yeah, it's down here. 26 --
12 oh, that was the -- this is still Figure 30.

13 Okay. So then we don't have to worry about
14 that one. What about the total number of places
15 visited? Phillips discloses that you can identify 03:13:34
16 the total number of places that are visited by a
17 particular user. Does that not meet the primary
18 set?

19 MR. WIN: Objection to form.

20 THE WITNESS: No. No, it doesn't. 03:13:54

21 BY MS. WARREN:

22 Q Okay. Maybe let's -- I'm just trying to be
23 conscious of time. Well, okay. Why don't we spend
24 just a couple of minutes on another reference, and
25 then I think we probably owe you a break after that. 03:14:25

1 states, and we had gotten to a point where I think
2 we had agreed that simply determining whether a
3 state is in the most frequent states was not enough,
4 that there was something additional that was
5 required. And then you added two additional 03:48:08
6 somethings later on in your testimony; the first one
7 you added was GPS, and the other one was duration
8 and probability. Do you remember that?

9 A I do.

10 Q So let's talk first about GPS, and really 03:48:27
11 where I think we should start is, if you have --
12 strike that.

13 If the system has already determined that a
14 stationary state is a most frequent stationary
15 state, something more is required; right? 03:48:47

16 A Yes. Something is -- I mean, something
17 more is required, yes.

18 Q And when you say that GPS could be used,
19 what do you mean?

20 A Well, these are examples of what could be 03:49:12
21 additional things. I'm not saying necessarily you
22 have to use GPS, but you could use GPS.

23 Q Okay. Understood.

24 A Or the system -- the system could use GPS.

25 Q And how could the system use GPS to 03:49:35

1 question?

2 Q I just asked, is it in the set?

3 MR. WIN: Objection. Form.

4 THE WITNESS: Very likely, it is.

5 BY MS. WARREN:

04:09:14

6 Q Why?

7 A Because it hits more than 50 percent of the
8 probability.

9 Q And so the level of confidence is what
10 leads to your determination that this is within the
11 set -- the primary set of stationary states? 04:09:35

12 A This is one thing that -- is the example
13 you take into account, yes.

14 Q So we looked at Table 6 together earlier,
15 and I asked you which of the 46 or 86 stationary
16 states for User 1 is within the primary set of
17 stationary states, and I think, at that time, you
18 said you did not know. Do you know now? 04:10:06

19 MR. WIN: Objection. Form.

20 THE WITNESS: Table 6 should show the total
21 number of -- what it intended to show, which ones of
22 these are in the primary set. 04:10:25

23 BY MS. WARREN:

24 Q Okay. So the total number of stationary
25 states is not the primary set of stationary states; 04:11:26

1 right?

2 A Yes.

3 Q And then what about Table 9? Table 9 is
4 titled "Number of stationary states" -- no. Go
5 up -- "Number of Stationary States to Account for 04:11:38
6 95 Percent of Stationary Time." I'm sorry. That's
7 Table 7. Sorry. That was Table 7. I just said the
8 wrong number. It's on the right-hand side in
9 Column 24.

10 A Yes, yes, I found it.

11 Q And so which of these states for User 1 are
12 in the primary set of stationary states?

13 A Well, it could be that all of these are in
14 primary set.

15 Q It could be, or it is?

16 A It could be.

17 Q Is there a reason why you can't tell me
18 that it is?

19 MR. WIN: Objection. Form.

20 THE WITNESS: Because stationary states 04:13:04
21 that account for 95 percent of stationary time is
22 not the only consideration in determining a primary
23 set.

24 BY MS. WARREN:

25 Q Can you scroll to Table 9? 04:13:29

1 A Table 9?

2 Q Yeah, so -- sorry. I was talking to
3 Sachli, but you too.

4 So for Table 9, this one is titled

5 "Location Context for Stationary States By Various 04:13:41
6 Approaches." And here, if I understand correctly,
7 the specification is comparing the experiments on
8 eyeLock, which is the system described in the
9 specification, with two other preexisting systems;
10 right? 04:14:02

11 A Yes.

12 Q Which of the states in Table 9 are the
13 primary set of stationary states?

14 A Well, this doesn't show all the
15 considerations that go into determination of the 04:15:09
16 primary set.

17 Q So looking at Table 9, you can't tell me
18 which of these states is within the primary set?

19 MR. WIN: Objection. Form.

20 THE WITNESS: It doesn't show all the 04:15:34
21 considerations of -- it could be that -- some of
22 them, it could be that -- all of them. It doesn't
23 show this.

24 BY MS. WARREN:

25 Q Okay. Let's -- 04:15:56

1 BY MS. WARREN:

2 Q Did you find 104? It's long. It's on
3 page 10. Starts on 9.

4 A So one second. I -- let me -- Exhibit 8?

5 Q Yes, that's right. Exhibit 8, which should 04:18:09
6 be the Westerinen reference.

7 A I downloaded -- I'm looking at Westerinen.

8 Q And to be clear, you've reviewed Westerinen
9 before; right?

10 A Yes, I have. It is for -- it is during the 04:18:41
11 course of my work.

12 Q Understood. Meaning this is not your first
13 time reviewing it, I suppose?

14 A Today is not the first time, of course.

15 Q Okay. So are you with me now at 104? 04:18:57

16 A Yes.

17 Q Okay. In this section, I believe
18 Westerinen is explaining Figure 13, which it says
19 depicts a process for automatically generating a
20 labeling for a location or prompting a user to input 04:19:29
21 a label. Do you see where it says that at the very
22 beginning of 104?

23 A I do.

24 Q So is it your opinion that automatically 04:19:49
25 generating a label for a location or prompting a

1 user to input a label for a location does not meet
2 determining a primary set of stationary states?

3 MR. WIN: Objection. Form.

4 THE WITNESS: Yes.

5 BY MS. WARREN:

04:20:52

6 Q And just below -- it's actually on page 10.
7 Let me find you a line. Oh, gosh. There's no line
8 numbers. Okay. So --

9 A Paragraph numbers.

10 Q Yeah, it was just -- I'm sorry. I was
11 trying to be more helpful than that, but all right.

04:21:10

12 So here we are. It starts with, "In
13 another approach." It's about -- it's at the fourth
14 line down on page 10 in paragraph 104. It starts
15 with, "In another approach." Do you see that?

04:21:26

16 A Fourth line -- oh, yes.

17 Q Yes.

18 A I see it.

19 Q Sorry. Okay.

20 So here it says, "In another approach, the
21 mobile device automatically prompts the user to
22 provide a label for a particular location when the
23 location is visited frequently." Do you see that?

04:21:34

24 A I do.

25 Q And so is it your opinion that

04:21:53

1 automatically prompting the user to provide a label
2 for a particular location when the location is
3 visited frequently does not meet determining a
4 primary set of stationary states?

5 MR. WIN: Objection. Form. 04:22:13

6 THE WITNESS: Yes, that is my opinion
7 because the concept of primary set or an equivalent
8 set -- so this concept is missing by Westerinen.
9 There's a label, yes, and the label of the
10 particular location -- the -- 04:23:08

11 (Reporter clarification.)

12 THE WITNESS: The label for a particular
13 location, when the location is visited frequently.

14 BY MS. WARREN:

15 Q So is it -- okay. 04:23:44

16 So it's your opinion that just storing
17 visited locations or the number of times a place is
18 visited over some period of time, that does not meet
19 determining a primary set of stationary states?

20 A Sorry. Are you talking about the same 04:24:08
21 paragraph of Westerinen?

22 Q Yes. So here it says -- actually, there's
23 more to this paragraph. I suppose we can go through
24 it one by one.

25 After the portion we just read, it says, "A 04:24:18

1 threshold number of times or for a threshold period
2 of time, including a minimum cumulative time over
3 multiple visits to the location and a minimum time
4 per visit."

5 So putting all of that together, keeping 04:24:35

6 all of this data regarding the frequency of visits,
7 the threshold number of times, and/or for a
8 threshold period of time, including a minimum
9 cumulative over multiple visits to the location,

10 that's not enough? 04:24:55

11 A Well, these are --

12 (Reporter clarification.)

13 THE WITNESS: Each of these are related.

14 But just like -- just like when the location is
15 visited frequently is related -- so each of these 04:25:32
16 are related, and what Westerinen says here is that
17 the mobile device automatically prompts the user to
18 provide the label. But there is -- there is no set,
19 and -- there is no set.

20 (Reporter clarification.) 04:26:26

21 BY MS. WARREN:

22 Q So when you say that "there is no set," do
23 you mean that just storing the frequency or the
24 number of times that a mobile device has visited the
25 location does not meet this claim element? 04:26:46

1 MR. WIN: Objection. Form.

2 THE WITNESS: Excuse me. Maybe it was a
3 lot for me, or I -- but will you please repeat?

4 BY MS. WARREN:

5 Q Yes. So I can read it back.

04:27:04

6 When you say there's no set, do you mean
7 that just storing the frequency or the number of
8 times that a mobile device has visited a particular
9 location does not meet this claim element?

10 MR. WIN: Objection. Form.

04:27:25

11 THE WITNESS: Just storing the frequency of
12 the visits does not meet the claim element.

13 BY MS. WARREN:

14 Q And what about where it says "a threshold
15 number of time"? I think it means "times." "A
16 threshold number of times and/or a threshold period
17 of times." So here it's talking about the number of
18 times and the duration. That's not enough either?

19 A As far as the primary set, no.

20 Q Okay. Let's turn to paragraph 86. Would
21 you move us to paragraph 86? And Westerinen still,
22 and can you -- Exhibit 8. Sorry.

04:28:22

23 A I'm looking at paragraph 86.

24 Q Okay. And paragraph 86 says that patterns
25 can be determined, and here it says, "For example,"

04:28:56

1 locations which are visited repeatedly can be
2 determined by counting the number of times an
3 identifier of the location appears in the stored
4 data." Do you see that?

5 A I do.

04:29:11

6 Q Is determining which locations are visited
7 repeatedly by counting the number of times an
8 identifier of the location appears in the stored
9 data determining a primary set of stationary states?

10 A No.

04:29:34

11 Q Let's spend just a couple more minutes on
12 Westerinen. Your report -- paragraph 146.

13 A 146.

14 Q Yes, that's right. 146 in your report,
15 which is still Exhibit 2.

04:30:16

16 You say that Westerinen does not disclose a
17 transition state; right?

18 A Yes.

19 Q What is a transition state?

20 A I think -- in paragraph 78 of my report, I
21 state, "Transition states are defined by a fixed
22 position time interval."

04:30:37

23 (Reporter clarification.)

24 THE WITNESS: In parentheses, "tick," "an
25 initial stationary state and a final stationary

04:31:38

1 I, DR. TODOR COOKLEV, do hereby declare
2 under penalty of perjury that I have read the
3 foregoing transcript, that I have made any
4 corrections as appear noted, in ink, initialed by
5 me, or attached hereto; that my testimony as
6 contained herein, as corrected, is true and correct.

7
8
9 EXECUTED this _____ day of _____, 20____, at
10 _____, _____.

(City)

11 (State)
12
13
14
15 _____
16 DR. TODOR COOKLEV
17 VOLUME I
18
19
20
21
22
23
24
25

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is an accurate transcription thereof.

12 I further certify I am neither financially
13 interested in the action nor a relative or employee
14 of any attorney or any of the parties.

15 IN WITNESS WHEREOF, I have this date
16 subscribed my name.

17
18 Dated: May 26, 2023.

19
20 
21

22 KAYLA KNOWLES
23
24

25 CSR No. 14071

1 ERIKA WARREN, ESQ.

2 20-580@cases.warrenlex.com

3 MAY 26, 2023

4 RE: WSOU INVESTMENTS, LLC vs. GOOGLE LLC

5 MAY 12, 2023, DR. TODOR COOKLEV, JOB NO. 5916787

6
7 The above-referenced transcript has been completed by
8 Veritext Legal Solutions and review of the transcript is being
9 handled as follows:

10
11 — Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext
12 to schedule a time to review the original transcript at
13 a Veritext office.

14
15 — Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF
16 Transcript – The witness should review the transcript and
17 make any necessary corrections on the errata pages included
18 below, notating the page and line number of the corrections.
19 The witness should then sign and date the errata and penalty
20 of perjury pages and return the completed pages to all
21 appearing counsel within the period of time determined at
22 the deposition or provided by the Code of Civil Procedure.

____ Waiving the CA Code of Civil Procedure per Stipulation of Counsel - Original transcript to be released for signature as determined at the deposition.

Signature Waived - Reading & Signature was waived at the time of the deposition.

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